IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6412 of 2006

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CRIME NO.125/2006 OF MEPPAYOOR POLICE STATION

PETITIONERS/ACCUSED 1 TO 5:

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1. MUNEER, S/O.KUNJABDULLA HAJI,
   AGED 28 YEARS, PATTERIMANNIL HOUSE,MUYIPPOTH AMSOM
   VENNARODE DESOM, KOZHIKODE.

2. SOOPY,
   PUTHIYAPURAYIL HOUSE, CHERUVANOOR AMSOM,
   VENNANODE DESOM, PERAMBRA, KOZHIKODE.

3. MARIYAM, W/O.KUNJABDULLA HAJI,
   AGED 70 YEARS, PATTERIMANNIL HOUSE,
   MUYIPPOTH AMSOM, VENNARODE DESOM, KOZHIKODE.

4. SULAIKHA, W/O. SOOPY,
   PUTHIYAPURAYIL HOUSE, CHERUVANNOOR AMSOM,DESOM,
   PERAMBRA, KOZHIKODE.

5. SARA, W/O. ABDUL SALAM,
   MANIYOOR AMSOM, ELAMBILADU DESOM, KOZHIKODE.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
   MEPPAYOOR POLICE STATION, KOZHIKODE.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

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**B.A. 6412/2006**

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**DATED THIS THE 6TH DAY OF NOVEMBER, 2006**

**O R D E R**

The petitioners are accused Nos. 1 to 5 in crime No.125/2006 of Meppayur Police Station, for the offence punishable under Sections 498A, 406, 448 and 323 IPC read with Section 34 IPC. They apprehend arrest. Hence this application under Section 438 Cr.P.C.

2. It is alleged that the first petitioner, who was in Gulf, had divorced the daughter of the defacto complainant. The prosecution submits that because of the atrocities perpetuated on the wife of the first petitioner, the mother of the woman gave a complaint to the police, basing on which the case had been registered.

3. The learned counsel for the petitioners on the other hand submits that the daughter of the defacto complainant is married to another man and she had delivered a child born to her of her new husband. However, the prosecution submits that he has got no

instruction on that point.

4. After hearing both sides and considering the materials that are placed before me, I direct the petitioners, accused Nos. 1 to 5, to surrender before the Investigating Officer of Meppayoor Police Station, on 10.11.2006 between 9.30 a.m and 10.00 a.m.

5. The Investigating Officer shall interrogate the petitioners and in the event of their arrest, they shall be released on bail, on each one of them executing a bond for Rs.15,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting them.

6. The petitioners shall appear before the Investigating Officer as and when required, till the completion of the investigation or upto 30.12.2006, whichever is earlier.

The application is disposed of as above.

**J.M.JAMES**
**JUDGE**

mrcs